

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

RICHARD NORLAND,  
Plaintiff,

No. CV 05-6312-ST

ORDER ADOPTING MAGISTRATE JUDGE'S  
FINDINGS & RECOMMENDATION

v.

STATE OF OREGON, et. al.,  
Defendants.

**MOSMAN, J.,**

On November 28, 2006, Magistrate Judge Stewart issued Findings and Recommendation ("F&R") (#30) in the above-captioned case recommending Deputy Rose's Motion to Dismiss (#17) be granted, and Mr. Norland be allowed 30 days from the entry of this order to file a Second Amended Complaint including the specific allegations against Deputy Rose. No objections were filed.

In conducting my review of the F&R, I apply the following standard. The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is required to make a *de novo* determination of

those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, the court is free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

After reviewing the F&R and relevant materials, the F&R is ADOPTED without modification. Accordingly, Deputy Rose's Motion to Dismiss is GRANTED, and Mr. Norland is allowed 30 days from the entry of this order to file a Second Amended Complaint including the specific allegations against Deputy Rose.

IT IS SO ORDERED.

DATED this 20th day of December, 2006.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Court